THE MYSORE LEGISLATIVE ASSEMBLY

EIGHTEENTH DAY

Friday, 24th March 1961.

The House met in the Assembly Hall, Vidhana Soudha, Bangalore, at One of the Clock.

MR. DEPUTY SPEAKER (Sri L. H. THIMMA BOVI, B.A.), in the Chair.

STARRED QUESTIONS

(to which oral answers were given)

PAYMENT OF COMPENSATION TO ONE EXCISE CONTRACTOR BY THE GOVERNMENT DURING 1954–55.

*Q.—3. Sri G. N. PUTTANNA (Tumkur).—

Will the Government be pleased to state :—

(*a*) whether it is a fact that Government paid compensation to an excise contractor to the extent of two lakhs and fourteen thousand rupees during the year 1954–55;

(*b*) whether any agreement was reached at between the Government and the contractor and if so, whether they will place the same on the table of the House;

(*c*) whether any security was furnished by the contractor and if so, how much in cash and in kind and if not, why?

*A.—Sri VEERENDRA PATIL (Minister for Excise, Prohibition and Rural Industries).—

(*a*) Yes.

(*b*) There was no such agreement for grant of compensation.

(*c*) The contractor had furnished security of Rs. 4,71,303–2–0 in cash and Rs. 18,000 in the shape of bonds.

ಶ್ರೀ ಜಿ. ಎನ್. ಪುಟ್ಟಣ್ಣ.—ಕಾಂಪೆನ್ಸೇಷನ್ ಯಾವ ಬೇಸಿಸ್ ಮೇಲೆ ಕೊಟ್ಟರಿ.

† ಶ್ರೀ ವೀರೇಂದ್ರ ಪಾಟೀಲ್.—ಅಕ್ಷರ ಸೇರಿ ಆಗುವುದಕ್ಕೆ ಮುಂಚೆ ಡ್ರೈ ಏರಿಯಾದಲ್ಲಿ ಟ್ಯಾಪಿಂಗಿಗೆ ಪರ್ಮಿಷನ್ ಕೊಡುತ್ತದೆಂದು ಡಿಕ್ಲೇರ್ ಮಾಡಿತು. ಅದರ ಮೇಲೆ ಹೆಡ್ಡು ರೆಂಟರ್ಸ್ ಮೇಲೆ ಕಂಟ್ರಾಕ್ಟ್ ತೆಗೆದುಕೊಂಡರು. ಮದ್ರಾಸ್ ಸರ್ಕಾರದಿಂದ ರಿಕ್ವೆಸ್ಟ್ ಬಂದ ಮೇಲೆ ಒಪ್ಪಂದದಿಂದ ಟ್ಯಾಪಿಂಗ್ ಪ್ರೊಹಿಬಿಟ್ ಮಾಡುತ್ತಾ ಬಂದು, ಕಂಟ್ರಾಕ್ಟರು ಗೌರಿಬಿದನೂರನ್ನು ಬಿಟ್ಟು ನಂಜನಗೂಡಿನಿಂದ ಟ್ಯಾಪ್ ಮಾಡಿಕೊಂಡು ಬಂದು ಸಪ್ಲೈ ಮಾಡಬೇಕಾಯಿತು. ಆದ್ದರಿಂದ ಅವನಿಗೆ ಹೆವಿ ಲಾಸ್ ಆಯಿತು. ನಮ್ಮ ಕಾರಣದಿಂದ ಲಾಸ್ ಆದ್ದರಿಂದ ಕಾಂಪೆನ್ಸೇಷನ್ ಕೊಡಬೇಕಾಯಿತು.

† Indicates that the remarks or speeches have not been revised by the Member concerned.

Sri G. N. PUTTANNA.—May I know the basis on which the compensation was paid. What was the basis, the finding, on whose recommendation was it done?

Sri VEERENDRA PATIL.—The basis, to a certain extent is that the contractor suffered a loss for which he was not responsible. The Government was responsible because at the time of auction sales, it was announced that tapping would be allowed in the dry area and abruptly tapping was prohibited.

Sri G. N. PUTTANNA.— Was there any contract between the party and the Government to that effect?

Sri VEERENDRA PATIL.—I have already replied. So far as payment of compensation was concerned, there was no agreement.

Sri G. N. PUTTANNA.—What was the necessity of appointing an arbitrator to decide the matter instead of asking the party to go to the court of law.

Sri VEERENDRA PATIL.—This is not the only instance where we have done like this. There are so many other instances where we have paid compensation and in this case also, although there is no such contract with regard to payment of compensation, in the interests of equity and justice, it was thought necessary because on account of the Government, the contractor sustained a loss for which we have to pay compensation.

Sri G. N. PUTTANNA.—I know Government is capable of paying any amount of compensation to any extent they like. My question is why when the arbitrator fixed up a certain amount, Government should pay double or treble. What is the amouut fixed by the arbitrator ?

Sri VEERENDRA PATIL.—One retired District Judge was appointed to determine the compensation to be paid. After proper scrutiny and hearing the parties and after detailed examination of the records, he gave his finding fixing the compensation at Rs. 2.14 lakhs. The same compensation has been given.

Sri G. N. PUTTANNA.—According to the information furnished by the Accountant General, it is 84 thousand. I do know which of these figures are correct. ಕಂಟ್ರಾಕ್ಟರಿಗೆ 2.14 ಲಕ್ಷ ರೂಪಾಯಿ ಕಾಂಪೆನ್ಸೇಷನ್ ಕೊಟ್ಟಾಗ, ಅವನಿಂದ ಬರಬೇಕಾದಂಥ ಬಾಕಿ ವಸೂಲು ಮಾಡಿಕೊಂಡಿರಾ ?

ಶ್ರೀ ವೀರೇಂದ್ರ ಪಾಟೀಲ್.—ಬರಬೇಕಾದ ಬಾಕಿ ಕೂಡ ಕೊಟ್ಟಿದ್ದಾನೆ.

ಶ್ರೀ ಜಿ. ಎನ್. ಪುಟ್ಟಣ್ಣ.—ಮತ್ತೆ 34 ಸಾವಿರ ರೂಪಾಯಿ ಇಂಟರೆಸ್ಟ್ ಏತಕ್ಕೆ ಬಿಟ್ಟಿರಿ?

ಶ್ರೀ ವೀರೇಂದ್ರ ಪಾಟೀಲ್.—ಅವನಿಗೆ ಬರಬೇಕಾದ್ದು: ರೂ. 2,26,852; ಅದರಲ್ಲಿ ರೂ. 2,14,000 ಕಾಂಪೆನ್ಸೇಷನ್ ಅದ್ದುಡಿಕೇಟರು ಫಿಕ್ಸ್ ಮಾಡಿದರು. ಆದು ಆದ ಮೇಲೆ ಉಳಿಕೆ ದುಡ್ಡು ಕೊಟ್ಟಿದ್ದೇವೆ.

Sri C. K. RAJAIAH SETTY.—At the time of auction, in what place did you propose to give him the trees and later where did you give him the trees?

Sri VEERENDRA PATIL.—At the time of auction, the Deputy Commissioner had announced that tapping would be allowed in dry areas. He did not indicate the place.

Sri M. RAMAPPA.—Did the party proceed against the Government legally by filling a suit or issuing a lawyer's notice.

Sri VEERENDRA PATIL.—The party has made a representation claiming compensation. I do not have the information if he took legal steps.

ಶ್ರೀ ಬಿ. ಎಸ್. ಶಂಕರಪ್ಪ.—ಎಕ್ಸೈಸ್ ಹರಾಜು ಮಾಡಿದ ತಾರೀಖಿಗೂ, ನರ್ಕಾರ ಡ್ರೈ ಏರಿಯಾ ಎಂದು ಡಿಕ್ಲೇರ್ ಮಾಡಿ ಆರ್ಡರ್ ಹೊರಡಿಸಿದ ತಾರೀಖಿಗೂ ಎಷ್ಟು ವ್ಯತ್ಯಾಸ?

ಶ್ರೀ ವೀರೇಂದ್ರ ಪಾಟೀರ್.—ನರ್ಕಾರದ್ದು ಹರಾಜು ಪ್ರೊಸೀಜರ್ ಇರುತ್ತದೆ ಎಕ್ಸೈಸ್ ಇಯರ್ ಪ್ರಾರಂಭವಾಗುವುದು ಜುಲೈ ಫಸ್ಟ್‌ನಿಂದ. ಎಕ್ಸೈಸ್ ಇಯರ್ ಪ್ರಾರಂಭವಾಗುವುದಕ್ಕೆ ಮೊದಲು ಇಂತಿಂಥ ಏರಿಯಾಗಳಲ್ಲಿ ಟ್ಯಾಪಿಂಗ್‌ಗೆ ಪರ್ಮಿಷನ್ ಕೊಡುತ್ತೇವೆಂದು ನಿರ್ಣಯ ಮಾಡಿದ್ದೇವೆ.

Sri M. RAMAPPA.—Has the Department taken the opinion of the Law Department as to whether Government is obliged to pay the contractor compensation.

Sri VEERENDRA PATIL.—Unless I go through the file, I cannot reply to the point.

Sri M. RAMAPPA.—Under what provision of the law was this compensation paid?

Sri VEERENDRA PATIL.—I have already said that after receiving the petition, an adjudicator was appointed because Government felt that the loss sustained by the bidder was an account of Government's action in partly prohibiting tapping in dry area.

Sri C. J. MUCKANNAPPA.—What was the finding of the retired District Judge when he awarded the compensation?

Sri VEERENDRA PATIL.—The finding was to pay compensation of the order of 2.14 lakhs to the party.

Sri U. MADAPPA.—Is it a fact that the Accountant General has raised an objection to the payment of this measure of compensation and is it a fact that Government has not answered his objection.

Sri VEERENDRA PATIL.—He did raise certain objections. To them, Government has sent replies.

Sri C. K. RAJAIAH SETTY.—Is it not a fact that the Contractor was conveying toddy from long distances prior to 1954–55 and even after.

Sri VEERENDRA PATIL.—This was the auction pertaining to the year 1951-52. The condition laid down in that year was that tapping would be allowed in dry area, a condition which he could not fulfil.

Sri C. J. MUCKANNAPPA.—I wanted to know what was the finding of the retired district judge in giving this award. What were the aspects on which he came to the conclusion that he did?

Sri VEERENDRA PATIL.—That involves giving of much details and placing the entire record before the house. I cannot off-hand say what his findings and reasonings are.

ಶ್ರೀ ಜಿ.ಎಚ್. ಪುಟ್ಟಣ್ಣ.—84,000 ರೂಪಾಯಿ ಪರಿಹಾರ ಕೊಡಬೇಕೆಂದು ಕೇಳಿದರ ಅವನಿಗೆ ಸರಕಾರದವರು 2,14,000 ರೂಪಾಯಿ ಪರಿಹಾರ ಕೊಟ್ಟಿದ್ದಾರೆ, ಅಲ್ಲವೇ ?

Sri VEERENDRA PPTIL.—The Compensation he has claimed is Rs. 3,90,000 and it is not Rs. 84,000 which is included in this figure of Rs. 2,14,000.

CASES PENDING IN THE MUNSIFFS' COURTS OF SHIMOGA DISTRICT.

* *Q.*—256. Sri D. MOOKAPPA (Sagar).—

Will the Government be pleased to state.—

(*a*) the number of cases pending disposal in the Munsiffs' Courts of Shimoga District and the number of years since which they are so pending ;

(*b*) whether the pending cases are shown in the statement of pending cases sent to the High Court by the Munsiffs' Courts ;

(*c*) whether they will take action to see that the pending cases are disposed of quickly giving the same attention that is given to fresh cases?

A.—Sri H. M. CHANNABASAPPA (Minister for Home).—

(*a*) A statement showing pendency of all classes of cases in the courts of the Munsiffs in Shimoga District as on 1st January is appended.

The details as to the years to which the year old other classes of cases belong are not available.

(*b*) Yes.

(*c*) Instructions have been given to the presiding officers of the courts to dispose of long pending suits and cases expeditiously.